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PUBLIC HEARINGS: \_\_\_\_\_

CKN\_MYLONAS\_INC. - SUITE 202 RENOVATIONS, SITE PLAN AND  
\_\_\_\_\_  
SPECIAL PERMIT (09-14) \_\_\_\_\_

MR. ARGENIO: Public hearings, CKN Mylonas, Inc. Suite 202, renovation, site plan and special permit. This application proposes modification to the existing office building which is the Reis building next to the former Vails Gate Diner to the left, Henry, if you remember, to add a caretaker's apartment. The plan was previously reviewed at the 25 March, 2009 planning board meeting. The application is before the board for the mandatory special permit public hearing at this time. So what's your name, ma'am?

MS. SCHOENBERGER: Samantha Schoenberger.

MR. ARGENIO: Please tell us what changes you've made to the plans since we've last seen it. I'd like to open it up to the public at this point and for comment and then the board will have the opportunity to review it again so go ahead.

MS. SCHOENBERGER: Just very quick brief history of the project we're planning on seeking the board's approval for a change of occupancy from a professional office building to a caretaker's apartment on the second floor. One of the board's questions last time dealt with the parking and just to point out the intent is to is not to eliminate any parking spots on the site specifically dealing with the professional office building, we're simply rearranging the spots which are clearly unusable as they're planned right now to be more functional and to be striped the way that they are actually used by our office and by the office building. And of course all the parking spots will be striped in accordance with the Town of New Windsor requirements and standards. The dumpster, it will be relocated onto--

MR. VAN LEEUWEN: That's a great idea.

MS. SCHOENBERGER: To the site with the lot with the--

MR. VAN LEEUWEN: Dumpster for the diner, just doing the other dumpster?

MS. SCHOENBERGER: This dumpster is currently located right here, we submitted plans too late for the board to review for tonight so on the final submission which we make it will show the alteration for the dumpster.

MR. ARGENIO: You won't make a final submission, this is it.

MS. SCHOENBERGER: We had brought the plans and I guess it was too late to submit them.

MR. ARGENIO: When did you bring the plans?

MS. SCHOENBERGER: Yesterday.

MR. ARGENIO: That happens to be about two weeks too late.

MS. SCHOENBERGER: There was a mishap with communication, we didn't receive the comments until three days ago, we made the adjustments as quick as we could.

MR. ARGENIO: Is that the deal, Mark?

MR. EDSALL: Comments are distributed at the prior meeting so that the, that would mean they had them on March 25.

MR. ARGENIO: Go ahead.

MR. VAN LEEUWEN: Where are you going to put the

apartment, upstairs?

MR. SCHLESINGER: Where are you going to put the dumpster?

MS. SCHOENBERGER: I actually have the copy of the new set of plans.

MR. ARGENIO: No, I will not accept them, point to where you're going to put the dumpster.

MS. SCHOENBERGER: Located in this back area.

MR. ARGENIO: In the back, that's good.

MS. SCHOENBERGER: We're not moving it towards the front at all.

MR. SCHLESINGER: Is there access to the dumpster?

MS. SCHOENBERGER: I'd have to doublecheck the plans.

MR. SCHLESINGER: Turn the plan over, upper left-hand corner parking, how are they going to get back there?

MS. SCHOENBERGER: There's a 22 foot easement through the buildings.

MR. ARGENIO: Between the diner and this building.

MR. SCHLESINGER: The parking spaces aren't blocking access to the dumpster?

MS. SCHOENBERGER: No, there's still 22 feet in between these two buildings, it looks slightly deceiving.

MR. ARGENIO: Your access is right here Neil and the dumpster will be in or close to this hatched area.

MR. SCHLESINGER: Well, we wanted it out of the gray

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area because that wasn't the problem that wasn't their property, we wanted it in the white area.

MS. SCHOENBERGER: We're proposing to put it in the back corner.

MR. SCHLESINGER: I understand.

MS. SCHOENBERGER: And it will face back that way so that it can still get loaded into the truck.

MR. EDSALL: If I could just to comment on the dumpster we have to make sure that the enclosure is masonry and we need to make sure that there's proper separation to the back of the building so we don't run afoul of the fire code.

MR. VAN LEEUWEN: You've got a problem there.

MR. ARGENIO: How do we know there's appropriate separation based on where we're at right now?

MR. EDSALL: Well, they've got 16.8 feet on their property from the property line to the building, normally, my understanding from speaking with Barney Bedetti is if it's a masonry block wall and you have a five foot minimum air gap space between the back of the building and the enclosure that would suffice.

MR. ARGENIO: I'm okay with that, the dumpster.

MR. EDSALL: I have not seen the new plan but that's one thing I'm just letting them know I have to look at and I'll likely consult the fire inspectors.

MR. ARGENIO: I'm not going to get knotted up about it, go ahead, ma'am.

MR. EDSALL: Just so you know it's an issue.

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MS. SCHOENBERGER: I believe that those address all the comments that were given to us by the town last meeting.

MR. ARGENIO: I'm going to tell you this, I'm going to tell you and I'm not going to whip you with it but I'm going to read the first few words of Mark's comment number 2, bullet 1 as previously noted, bullet 2 as previously noted, bullet 3 as previously noted, bullet 4 as previously noted which indicates to me that everything subsequent to as previously noted you guys were told about and you didn't correct it. That's a problem, it's not good.

MS. SCHOENBERGER: I can definitely address that with the--

MR. ARGENIO: Should have been addressed before tonight but it is what it is. Guys, take a look at things, I'd like to open it up to the public. Can you see if you can put your hands on the notice of public hearing for this? I'd like to open it up to the public and if there's anybody to give us feedback I'd like to hear it and we'll come back to it. On the 15th day of April, 2009, 42, all of 42 addressed envelopes containing notice of public hearing were sent out. Nicole in her first ride around the block she went to Todd Wiley, got the information and sent these out. At this point in time, is there anybody in the audience who'd like to speak for against or just comment on this? Please raise your hand.

MR. DEGREGORIO: Larry Degregorio, I live behind their on Continental Drive so I got a notice. I just have quick questions on the dumpsters, if they're going to be corralled because the diner's current site plan those show those dumpsters corralled and they're not which has always, always been a problem.

MR. ARGENIO: Why do you say it shows them corralled?

MR. DEGREGORIO: On the original site plan which I saw eons ago it shows a structure around the dumpsters which hasn't been there, I've been in the house since '76, it hasn't been there since the '90s, probably since their renovation, their big renovation.

MR. ARGENIO: Would you check and see, Jennifer, check and see, check on that, see if we have anything on that. I'd be interested to know because the diner's waste is nasty stinky lettuce and things of that nature.

MR. VAN LEEUWEN: You live right behind?

MR. DEGREGORIO: Directly behind it.

MR. ARGENIO: To answer your question, Larry, the dumpster will be in a masonry enclosure to answer your question.

MR. DEGREGORIO: And caretaker's apartment, what's going to be the, how many, what's the occupancy on caretaker's apartment? Does caretaker's apartment mean that the people, the dishwashers that currently live underneath the diner are going to move into the apartment upstairs? Caretaker's apartment scares me because I see a--

MR. ARGENIO: What's your intent?

MS. SCHOENBERGER: It's a one bedroom apartment and the intent is to have it as it states it will be a person that's responsible for caring, for taking care of both the property maintenance of the professional building and also the Coach Diner, both in the outside physical appearance and the interior of both buildings, who the owner rents it to we have not discussed with our client but that was the intent when he came to us.

MR. ARGENIO: Larry, she's on the record now stating that it's for one person.

MS. SCHOENBERGER: It's a one bedroom so--

MR. DEGREGORIO: That could be 15 people.

MR. ARGENIO: Possibly two people and those two people will attend to the exterior of the building, certainly doesn't seem to me that it's going to be a dozen people and if it is that will become an issue for the building department which we'll address.

MR. SCHEIBLE: What's the square footage of the apartment?

MS. SCHOENBERGER: The square footage of the apartment?

MR. SCHEIBLE: I'm losing track, I'm looking at different figures here.

MR. VAN LEEUWEN: Are you going to put the apartment above the existing building?

MR. ARGENIO: Henry, let her answer one question at a time.

MS. SCHOENBERGER: If my memory serves me correctly, around 500 to 600 square feet. You can see on this diagram right here that this back corner--

MR. ARGENIO: On the top in the back?

MS. SCHOENBERGER: Correct, is the area that will be the caretaker's apartment. It has a living room kitchen combination.

MR. SCHEIBLE: Upstairs?

MS. SCHOENBERGER: Upstairs, correct.

MR. SCHEIBLE: There's three levels of this building?

MS. SCHOENBERGER: Yes.

MR. ARGENIO: Henry, I think the intent is to occupy the highlighted area you see on that drawing.

MS. SCHOENBERGER: This is the ground floor we'll call it under here, this is the first floor and this is the second floor so you'd have to walk up the stairs to the front door and up once you get inside.

MR. SCHLESINGER: Is there an elevator?

MS. SCHOENBERGER: There's no elevator, didn't we discuss that last time?

MR. ARGENIO: I don't remember that. Mark?

MR. EDSALL: Just for the record, the plan notes the square footage of 763 square foot for the apartment. Second issue Mr. Degregorio seemed to indicate there was an existing residential occupancy in the building.

MR. DEGREGORIO: Not that that building, I was making reference to my favorite diner again, that's all.

MR. EDSALL: Cause there are no other approved residential occupancies in this building.

MR. DEGREGORIO: Nor the diner I'm sure.

MR. ARGENIO: Go ahead.

MR. DEGREGORIO: Is there any provision, I don't know and I didn't do any homework that's what your guys do as far as curbs again that lot historically has, maintenance has been minimal, there's no curbs at the rear, at the rear of the property and I don't see it on



this side, it's on the other side, I'm sure the town has a drainage easement.

MR. VAN LEEUWEN: Runs behind all the houses and the diner up to Charlie what's his name's building there.

MR. DEGREGORIO: Correct, I know what you're talking about, Catanzaro. There's historically never been again historically for the past 20 years there hasn't been any sort of curb barrier. The only barrier for any of this property and my property and my neighbor's property is whatever fencing we put up so it has on chance been that cars have come through the fence into my back yard, it happened once, they drove the grease pit through my fence into my kids' play area, they were good neighbors, they cleaned, came and cleaned it up. Is there any provision at this point as they're redoing it to put some sort of again I don't know what the town calls for if there's any guardrail, curbing, bumpers, barriers, whatever the terminology would be at the perimeter or back parking spot which I'm sure there's going to be of this new--

MR. SCHLESINGER: Larry, let me just call one thing to your attention, if you look at the diagram there you're referring to the back of the gray area that's not what we're talking about here, we're just talking about the white area which is that area right there, right there.

MR. DEGREGORIO: But there's no provision for the office building to do anything with this parking.

MR. SCHLESINGER: That's a different piece of property.

MR. ARGENIO: I don't want everybody talking at once.

MR. SCHLESINGER: It's a different piece of property.

MR. DEGREGORIO: Same owner so cars from this building can't park there or they can--

MR. ARGENIO: Mr. Degregorio, let me be clear with you, same owner not same owner I don't care from a lawful point of view, the reality of it is it's two separate parcels, Neil is 100 percent right, we're looking at the parcel that's in white.

MR. DEGREGORIO: This is the first I'm seeing it.

MR. ARGENIO: I want to be clear.

MR. DEGREGORIO: I didn't know that that's all we're talking about, it's directly around the building.

MR. CORDISCO: And the approval's attached to the parcels not to the owners.

MR. SCHLESINGER: As a matter of fact, just the dumpster for this piece that we're talking about tonight was located on the gray area and he said, we said no.

MR. ARGENIO: Back in the corner close to the residential properties.

MR. SCHLESINGER: So we're making that, taking that dumpster away from your house and putting it on the property we're talking about now.

MR. DEGREGORIO: Already that's a home run, excellent.

MR. ARGENIO: Hey, Larry, understand something, that a lot of times when we look at things especially in this section of town this board we do our best but a lot of times we're dealing with situations that are kind of crummier and what one of our goals is to try to improve it, now sometimes we can't get it to exactly what code is but we really try very hard to improve it for the benefit of everybody, yourself, the members of the town, everybody.

MR. DEGREGORIO: Understood, but I had these concerns like I said I've been there for 30 years.

MR. ARGENIO: This is why we have public hearings.

MR. SCHEIBLE: I have one question, Mr. Chairman, you say we're going to try to remove the dumpster from the gray area and put it into the white area, the dumpster that's being used, oh, I see in the back here for the gray areas back here, I'm sorry.

MR. ARGENIO: Henry, at the last meeting I don't believe you were here but it showed and I think it was until Neil picked up on it the dumpster was way in the back of the parcel.

MR. SCHEIBLE: Back in the right-hand side.

MR. ARGENIO: Well, the left-hand side as you're looking at the drawing.

MR. SCHEIBLE: That's the gray and white.

MS. SCHOENBERGER: Currently as it exists right now the dumpster that whoever's building uses is located in these back two parking spots almost pushed onto the grass and we're proposing to do after the town's comments is totally move it closer to the office building and be within the lot of the office building.

MR. SCHLESINGER: They have to have their own.

MR. SCHEIBLE: Okay.

MR. ARGENIO: Mr. Degregorio?

MR. DEGREGORIO: Just have a question, looking at this now and again what's here is drawn from what someone saw or what's here is what should be?

MR. ARGENIO: What's here is what they're going to do but what they based it on was a field survey of what was there and we have had Mark and his people do a thorough analysis of it and if in their opinion and I agree with them having seen this a couple times it's an improvement on the parking situation and the flow situation around both buildings.

MR. SCHLESINGER: Larry, can I just add one other thing? What you're probably looking at there is probably and Jerry's probably going to address this now is not accurate because I think that there's another set of plans that needs to be addressed, so this is probably going to be another issue that the chairman is going to address.

MR. DEGREGORIO: I'm in the gray for the moment but my question is what we see in the gray here now.

MR. SCHLESINGER: Irrelevant.

MR. DEGREGORIO: Okay, we're talking about the dumpster that's in the gray, that's not going to be, I was just asking about if this is as someone saw it or as it's on a map somewhere currently?

MR. SCHLESINGER: The gray area is irrelevant to our discussion.

MR. EDSALL: The Chairman has asked the building inspector to find out if there's a noncompliance for that existing site, if there is there's the opportunity for the town to go to this man and say you remove your enclosure, it's time to put it back, separate issue, that's a compliance issue.

MR. DEGREGORIO: All right, good enough, thank you.

MR. ARGENIO: Good, Larry. Anybody else? Accept a

motion to close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the public hearing on Mylonas. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We're in a little bit of an interesting conundrum and you have a problem and I'm going to tell you what your problem is. Your problem is you're talking about another set of plans but we're reviewing this set of plans, okay, your tardiness in getting them to us or not tardiness in getting them to us is not our issue. So if we move forward with this I'm going to open it back up to the members and see if they have any questions if we move forward with this and this goes over the wire this is what you're building.

MS. SCHOENBERGER: May I interject?

MR. ARGENIO: Sure.

MS. SCHOENBERGER: It was our intent coming here tonight after we found out the plans were not going to be able to be submitted to this meeting to make another meeting if it was the town's discretion and I'm sorry I apologize for making a mention to the plans, I was just trying to illustrate that we had tried to address them but it's our intention of our office to correct what the town stated.

MR. ARGENIO: We review things, if you want to bring another set of plans in because you want to tweak this for the benefit of the owner that's fine.

MR. VAN LEEUWEN: We also want to find out about the other dumpsters.

MR. ARGENIO: Which other?

MR. VAN LEEUWEN: These.

MR. ARGENIO: They are not going to concern us, it's not part of this application, it's not part of this application.

MR. VAN LEEUWEN: I know that.

MR. ARGENIO: Here was my concern, Henry, was that the dumpster quote unquote the dumpster when they take that dumpster there Hank and they locate it in this area they can do that, there's an offset requirement of five feet as Mark just said. My question is when they locate it there the dumpster has a certain width that might be 10 feet, I don't know what it is but is that width going to push the dumpster onto the neighbor's property and if it does I don't think it's the end of the world but you need to make provisions for it with an easement or something, I don't know what.

MR. SCHEIBLE: I just don't think we should be making any decisions on the plans that we have before us right now.

MR. ARGENIO: You couldn't be more correct.

MR. SCHEIBLE: We're sitting here discussing this dumpster and that dumpster and it's not shown on the plan.

MR. ARGENIO: We review things and the lady has requested just that. Now, as the feedback that you guys have received previously has been favorable relative to the parking and relative to the flow that's all good, it seems to me you have some nickel dime details to go through. What's your last name?

MS. SCHOENBERGER: Schoenberger.

MR. ARGENIO: Miss Schoenberger, what I don't want to do next time is have the discussion contained in Mark's item number 2 with the bullets as previously requested, as previously requested because there's no meat there, it just needs to be taken care of, it's clean-up issues. Neil, do you have anything else?

MR. SCHLESINGER: No.

MR. BROWN: No.

MR. SCHEIBLE: No, just what I just previously said.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Please clean those up, Mrs. Schoenberger, and just for the record this was referred to county and we heard back from those folks local determination which we always like that. Now for SEQRA you really don't have a lot to do, don't have a lot to do, do it, I give you my word we'll get you on the next agenda if you're ready but don't come to my esteemed colleague with plans two days before.

MS. SCHOENBERGER: Will not happen again.

MR. ARGENIO: Thank you, Miss Schoenberger.

MR. CORDISCO: Just on this point you did close the public hearing so any submission that should be made should be made relatively quickly so they could get on

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an agenda fairly close to now, we didn't want to be in the position where we have to deny the application because it's 62 days after the close of the public hearing.

MR. ARGENIO: Right, cause you had a zoning issue.

MS. SCHOENBERGER: If we find that all the comments were addressed with the plans we had intended to submit those drawings would be--

MR. ARGENIO: Get them to Nicole, let's go, make a run on it, no problem.

MS. SCHOENBERGER: Thank you very much.